

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION

CHAMBER SUMMONS NO.525 OF 2005
IN
EXECUTION APPLICATION NO.467 OF 2000
IN
SUMMARY SUIT NO.4229 OF 1998

Krishnakumari Shelters Pvt.Ltd. Plaintiffs

versus

Jayant M. Paranjape Defendant

and

Naina J. Paranjape & anr. Applicants

Ms.Anita Castelino i/by Ms.Deepa Kamath for
applicants.

Mr.C.S.Kapadia with Ms.Yogini Gada i/by
Harakchand & Co. for plaintiffs.

Mr.V.P.Sawant with Mr.V.M.Bhose for defendants.

CORAM : S.C.DHARMADHIKARI, J.

DATE : 14th March 2006

PC :

1. The applicants apprehension in this Chamber Summons pertains to disposal of properties at Andheri, Vile Parle and Marol in execution of a decree passed against the defendant who is husband of first applicant herein. These properties may be disposed of in execution of decree passed in favour of decree holder and

against defendant to the detriment of their interest therein.

2. In the light of my order passed in Chamber Summons No.1271 of 2005 when the decree holder and the judgement debtor have agreed that the property situate at Andheri, Marol and Vile Parle are not to be disposed of in execution of the decree, in my view, the apprehension of the applicants in this Chamber Summons does not survive. It is accordingly disposed of.

3. Liberty, however, is reserved to the applicants to take out fresh Chamber Summons, in case, a proclamation is issued in future pertaining to the immovable properties at Andheri, Marol and Vile Parle. All contentions of both sides in that behalf are expressly kept open.

4. The decree holder to inform the applicants' advocate in case they desire to move ahead and seek sale of the abovementioned properties to enable the applicants to take out appropriate proceedings. 72 hours prior notice would suffice for the applicants to move in the matter.

((-3-))

(S.C.DHARMADHIKARI, J.)